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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,403	05/03/2004	Gregory Philip Brown	81093004 / FMC 1678 PUS	3402
28395	7590	10/31/2006		
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER NELSON JR, MILTON	
			ART UNIT 3636	PAPER NUMBER

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/709,403	Applicant(s) BROWN ET AL.	
	Examiner Milton Nelson, Jr.	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/14/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
4a) Of the above claim(s) 37-39 and 46-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-11, 15, 18-28, 31, 33, 34, 36, 40, 43-45 and 63-65 is/are rejected.
- 7) ☒ Claim(s) 8, 13, 14, 17, 29, 30, 32, 35, 41 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2004 and 14 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Restriction/Election

Applicant's election without traverse of Group I, Subgroup I, Retractor variant A, Bladder variant B, and Locking variant A, Claims 1-36, 40-45 and 63-65, is acknowledged. Non-elected claims 37-39 and 46-62 have been withdrawn from further consideration.

Drawings

Applicant's replacement drawing sheet filed May 14, 2004 has been approved.

Information Disclosure Statement

The information referred to in Applicant's information disclosure statements has been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-6, 11, 15, 16, 19-23, 27, 31, 34, 40, 43-45, and 63-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly

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point out and distinctly claim the subject matter which applicant regards as the invention. In claim 3, "said lap and shoulder restraint system" lacks proper antecedent basis. In claims 4 and 5, "said lap and shoulder restraint systems" lack proper antecedent basis. Regarding claim 6, the phrase "may be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. In claim 11, it is unclear if "said seat cushion includes a front portion and a rear portion" is intended to be representative of the previously set forth "front seating portion" and "rear seating portion". In claim 15, it is unclear if "a plurality of bladders" is intended to be the same feature as the previously set forth "bladder system". In claim 16, "the movement" lacks proper antecedent basis. In claim 16, "said armrest" lacks proper antecedent basis. In claim 19, "said pocket" lacks proper antecedent basis. In claim 20, "said pocket" lacks proper antecedent basis. In claim 21, "the airbag" lacks proper antecedent basis. In claim 22, "the airbag deactivator device" lacks proper antecedent basis. In claim 27, "the movement" and "said armrest" lack proper antecedent basis. In claim 31, it is unclear if "the airbag deactivator device" is intended to be the same feature as the previously set forth "airbag deactivation device". In claim 34, "said front face" and "said back face" lack proper antecedent basis. In claim 40, "said guide members" lack proper antecedent basis. In claim 43, "the guide members" lack proper antecedent basis. In claim 44, "said connecting member" lacks proper antecedent basis. In lines 2 to 3 of claim 63, "the vehicle floor" lacks proper antecedent basis. Claims 64 and 65 are indefinite since each depends from and an indefinite claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) he has abandoned the invention.

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(f) he did not himself invent the subject matter sought to be patented.

(g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's

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invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

Claims 1, 3, 5, 11, and 12, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison et al (5322341). Note the seat cushion (20), backrest (14), a restraint system buckle pivotally attached to the backrest (see Figure 1), wherein the restraint system includes a lap strap pivotally attached to the backrest at or near a bottom of the backrest (see Figure 1), and locking mechanism (52). The restraint system is usable in either the forward seating position or the rearward seating position.

Claims 33 and 36, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Hale (1644528). Note the seat cushion (D), guide member (G), seat bracket (F), backrest (C), biasing member (M, N), and arcuate tracks (E).

Claims 63-65, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Huff (1644528). Note the stationary base member (16), seat cushion (10), seat track (13), first caster (front member 12), and second caster (rear member 12).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (5322341) in view of Higgs et al (4585273). The primary reference shows all claimed features of the instant invention with the exception of a lap and shoulder restraint system integrated with the backrest for use in connection with either of the front or back faces of the backrest (claim 2); wherein the lap and shoulder restraint system includes a shoulder strap that retracts into the backrest at or near a top of the backrest (claim 4). Note the discussion of Harrison et al, above. Also note that Harrison et al shows a restraint system integrated with the backrest, wherein the restraint system is for use in connection with either of the front or back faces of the backrest. This can be seen in Figure 1.

The secondary reference conventionally teaches providing a backrest assembly with a lap and shoulder restraint system integrated with the backrest (note Figures 1 and 3), wherein the lap and shoulder restraint system includes a shoulder strap that retracts into the backrest at or near a top of the backrest (note Figures 1 and 3).

Regarding claim 2, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view

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of the teachings of the secondary reference by configuring the restraint system as a lap and shoulder restraint system. Such necessarily provides use in connection with either of the front or back faces of the backrest. Regarding claim 4, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring the restraint system as including a shoulder strap that retracts into the backrest at or near a top of the backrest. Such enhances user safety while providing the shoulder strap in a configuration for retractable storage in a compact area.

Claims 6, as best understood with the above cited indefiniteness, 7 and 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (5322341) in view of Isono et al (4592488). The primary reference shows all claimed features of the instant invention with the exception of the backrest including a bladder system, whereby the backrest front face may be expanded by use of a bladder system while the rear face is substantially planar or concave (claim 6); wherein the backrest front face is contoured to provide lateral support (claim 7); wherein the seat cushion is contoured to provide lateral support (claim 10). Note the discussion of Harrison et al, above.

The secondary reference teaches providing a seat assembly with a backrest having a bladder system, whereby the backrest front face may be expanded by use of a bladder system (5a) while the rear face is substantially planar or concave (see Figures 2 and 4); wherein the backrest front face is contoured to provide lateral support (note

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members 3b and 3c); wherein the seat cushion is contoured to provide lateral support (note members 2b and 2c).

Regarding claim 6, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding a bladder system, and associated structure, to the backrest, so that the backrest front face may be expanded by use of a bladder system (5a) while the rear face is substantially planar or concave. This modification enhances user comfort and safety. Regarding claim 7, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding lateral support members to the backrest front face to provide lateral support contouring. This modification enhances user comfort and safety. Regarding claim 10, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding lateral support members to the seat cushion provide lateral support. This modification enhances user support and comfort.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (5322341) in view of Kim (6488333). The primary reference shows all claimed features of the instant invention with the exception of the backrest back face being contoured to provide lateral support. Note the discussion of Harrison et al, above.

The secondary reference teaches providing a seat assembly with a backrest having a back face being contoured to provide lateral support. Note Figures 23A-23C, which show a backrest having both front and back faces with lateral support members that provide lateral support when using either the front or back face.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding lateral support members to the backrest back face to provide lateral support contouring on the back face. This modification enhances user comfort and safety when using the back face as a supporting surface.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (5322341) in view of Greaves (2979098). The primary reference shows all claimed features of the instant invention with the exception of the reversible pocket selectively attached to the backrest for retaining articles for travel, wherein the pocket is adjacent the back face of the backrest when the backrest is in the forward seating position and is adjacent the front face of the backrest when the backrest is in the rearward seating position. Note the discussion of Harrison et al, above.

The secondary reference teaches providing a seat assembly with a reversible pocket (either of members 8) selectively attached to a backrest for retaining articles for travel, wherein the pocket is adjacent the back face of the backrest when the backrest is in the forward seating position wherein the pocket is capable of being adjacent the front face of the backrest when used on a backrest that is moveable to a rearward seating

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position (this is based on the portability of the pocket). Alternately note that a pocket (8) is adjacent both the back and front faces of the backrest in any position of the backrest.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding a reversible pocket selectively attached to the backrest for retaining articles for travel, wherein the pocket is adjacent the back face of the backrest when the backrest is in the forward seating position and is adjacent the front face of the backrest when the backrest is in the rearward seating position. Addition of the pocket provides a means for selectively storing disparate articles.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (5322341) in view of Kim (6488333). The primary reference shows all claimed features of the instant invention with the exception of the backrest front face including front lateral supports for use when the backrest is in the forward seating position, and the back face including rear lateral supports for use when the backrest is in the rearward seating position. Note the discussion of Harrison et al, above. Additionally note the recline mechanism in Figures 4A and 4B.

The secondary reference teaches providing a seat assembly with a backrest having a front face and a back face being contoured to provide lateral support. The front lateral supports are for use when the backrest is in the forward seating position, and the rear lateral supports are for use when the backrest is in the rearward seating position. Note Figures 23A-23C, which show a backrest having front and back faces

with integrally formed lateral support members that provide lateral support when using either the front or back face.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding the integrally formed, front and back, lateral support members on the backrest. This modification enhances user support and comfort when the backrest is in either the forward seating position, or rearward seating position. This modification enhances user comfort and safety when using either the front face or the back face as a supporting surface.

Claims 26 and 27, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (5322341) in view of Kim (6488333), as applied to claim 24, above, and further in view of Fujiwara (4668010). The primary reference, as modified above, shows all claimed features of the instant invention with the exception of an armrest pivotally attached to the backrest which can be pivoted to provide arm support for a seat occupant when the backrest is in either the forward or rearward seating positions (claim 26); a stop that prevents the movement of the armrest below a horizontal plane (claim 27). Note the discussion of Harrison et al, as modified, above.

Fujiwara teaches providing a seat assembly with an armrest (22) pivotally attached to the backrest (16) which can be pivoted 180 degrees to provide arm support from the front or rear (see Figures 1 and 3). As such, it is capable of providing support

to a user if provided on a seat having a backrest that is movable between forward and rearward seating positions. Fujiwara also shows a stop (ends of the groove 38) that prevents the movement of the armrest below a horizontal plane (see Figure 2).

Regarding claim 26, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify the primary reference in view of the teachings of Fujiwara by adding an armrest that is pivotally attached to the backrest in a manner in which it can be pivoted 180 degrees to provide arm support from the front or rear. As such, the armrest is capable of providing support to a user when the backrest is in the forward or rearward seating positions.

Regarding claim 27, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify the primary reference in view of the teachings of Fujiwara by adding a stop that prevents movement of the armrest below a horizontal plane. This modification maintains armrest positioning in a manner where interference with items stored on the vehicle floor is reduced.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (5322341) in view of Kim (6488333), as applied to claim 24, above, and further in view of Greaves (2979098). The primary reference, as modified above, shows all claimed features of the instant invention with the exception of the pocket selectively attached to the backrest for retaining articles, wherein the pocket is juxtaposed with the back face of the backrest when the backrest is in the forward seating position and is

juxtaposed with the front face of the backrest when the backrest is in the rearward seating position. Note the discussion of Harrison et al, as modified, above.

Greaves teaches providing a seat assembly with a reversible pocket (either of members 8) pocket selectively attached to the backrest for retaining articles, wherein the pocket is juxtaposed with the back face of the backrest when the backrest is in the forward seating position and is juxtaposed with the front face of the backrest when the backrest is in the rearward seating position (this is based on the portability of the pocket). Alternately note that a pocket (8) is adjacent both the back and front faces of the backrest in any position of the backrest.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify the primary reference in view of the teachings of the secondary reference by adding a pocket selectively attached to the backrest for retaining articles, wherein the pocket is juxtaposed with the back face of the backrest when the backrest is in the forward seating position and is juxtaposed with the front face of the backrest when the backrest is in the rearward seating position. Addition of the pocket provides a means for selectively storing disparate articles.

Allowable Subject Matter

Claims 8, 13, 14, 17, 29, 30, 32, 35, 41, and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15, 16, 19-23, 31, 40, 43-45 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. The examiner can normally be reached on Monday-Wednesday, and alternate Fridays, 5:30-3:00 EST.

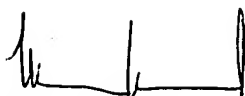
The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn

October 29, 2006



16/21

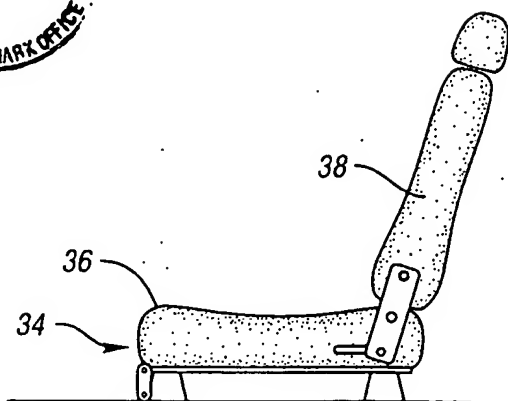


Fig. 9a

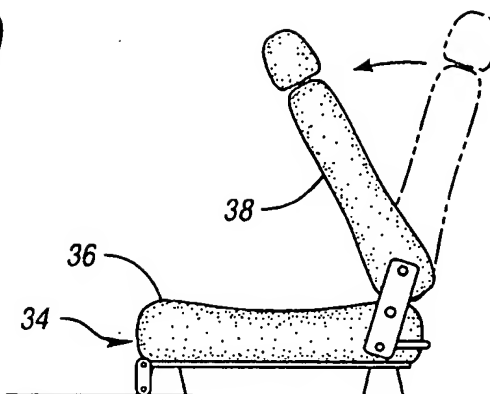


Fig. 9b

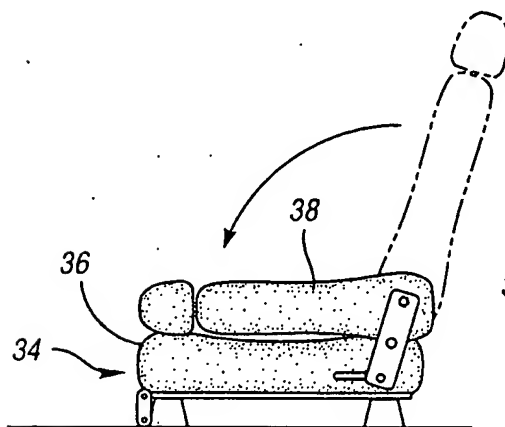


Fig. 9c

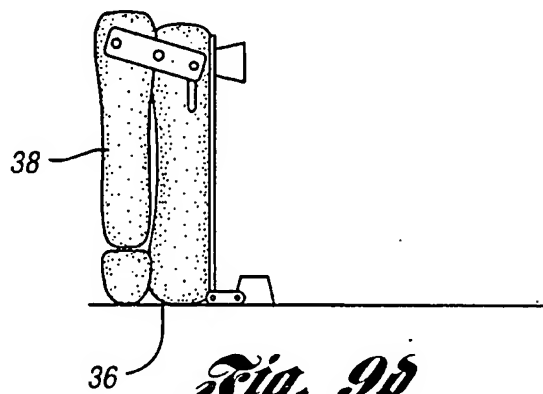


Fig. 9d

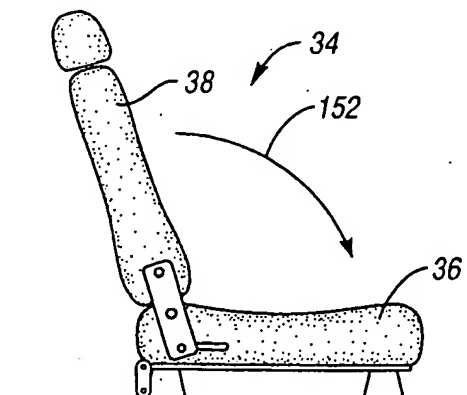


Fig. 10a

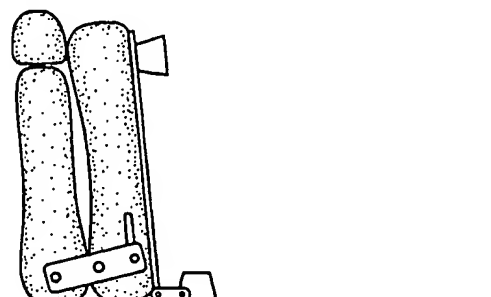


Fig. 10b

Approved 10/29/06